SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1936

No. 175

MARCUS HAUGE,

Appellant,

vs.

CITY OF CHICAGO, A MUNICIPAL CORPORATION,

Appellee.

APPEAL FROM THE SUPREME COURT OF ILLINOIS; THERE HEARD ON APPEAL FROM THE MUNICIPAL COURT OF CHICAGO.

Honorable Frank M. Padden, Trial Judge.

MOTION OF APPELLEE TO DISMISS OR AFFIRM.

MAY IT PLEASE THE COURT:

Comes now City of Chicago, a municipal corporation, appellee herein, by Barnet Hodes, Corporation Counsel, and Martin H. Foss, Assistant Corporation Counsel, its counsel, and moves the Court to dismiss with costs the appeal

taken herein to this Court by Marcus Hauge, appellant, upon the following grounds:

1. A Federal question, namely, the question whether the ordinance of appellee involved in the case violates Section 1 of the Fourteenth Amendment to the Federal Constitution, was not involved in the decision of the trial court, not presented for decision to the Supreme Court of Illinois, and the decision of that court of such Federal question was not necessary to the determination of the cause.

2. The decision of the Supreme Court of Illinois was based primarily on local law and questions of local law are not open to reexamination in this Court.

In the alternative, appellee moves this Court to affirm the judgment of the Supreme Court of Illinois on the following grounds:

1. No substantial Federal question affording a basis for review by this Court is presented by the appeal.

2. The Federal question which appellant attempts to raise in this Court is foreclosed by the prior decisions of this Court.

Respectfully submitted,

BARNET HODES,
Corporation Counsel;
MARTIN H. FOSS,
Assistant Corporation Counsel,
Counsel for Appellee, City of Chicago, a Municipal Corporation.